

**Amendment and Response**  
Applicant: Timothy R. Ryan et al.  
Serial No.: 09/982,299  
Filed: October 16, 2001  
Docket No.: M190.137.101  
Title: ANNULOPLASTY BAND AND METHOD

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### **REMARKS**

This is responsive to the Final Office Action mailed February 9, 2005. In that Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner rejected claim 45 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 11, 12, and 37-44 were rejected under 35 U.S.C. §102(b) as being anticipated by Wright et al., U.S. Patent No. 5,306,296 (“Wright”). Claims 10, 37, 38, 42-45, and 47 were rejected under 35 U.S.C. §102(b) as being anticipated by Campbell, U.S. Patent No. 6,102,945 (“Campbell”). Claims 10, 37, 38, 42-45 and 47 were also rejected under 35 U.S.C. §102(b) as being anticipated by Gross, U.S. Patent No. 5,824,066 (“Gross”). Claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wright.

The Examiner’s indication in the Office Action Summary that claims 1-9 and 12-16 have been allowed is noted with appreciation.

With this Response, claim 10 have been amended, claims 37-47 cancelled, and a Supplemental Information Disclosure Statement is submitted. Claims 1-16 remain pending in the application and are presented for reconsideration and allowance.

### **Objection to Specification**

Claim 45 has been cancelled, thus obviating the Examiner’s objection to the specification.

### **35 U.S.C. §112 Rejections**

Claim 45 has been cancelled, thus obviating the §112, first paragraph, rejections.

### **35 U.S.C. §§102, 103 Rejections**

Claim 10 has been amended to depend from claim 1. Claim 11 now ultimately depends from claim 1. As such, and in light of the Examiner’s allowance of claims 1-9 and 12-16 and the

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cancellation of claims 37-47, it is respectfully submitted that all pending claims are in a condition for allowance.

**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-16 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-16 and 37-47 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

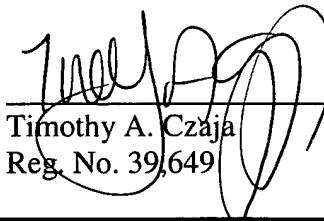
Respectfully submitted,

Timothy R. Ryan et al.,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9/16 day of May, 2005.

By Timothy A. Czaja  
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